

FEB - 3 1986

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Blutworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept. - Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Sandy Sprague, Assistant County Attorney
Patty Young - 4th District Court of Appeals
Law Library
(2) County Library
Frank Palen, PZ&B

DATE: January 30, 1986

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 86-1

TITLE REFERENCE:

ORDINANCE NO. 86-1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE 72-3, AS AMENDED, SECTION 402.7 (SITE PLAN REVIEW COMMITTEE) TO AUTHORIZE SITE PLAN REVIEW COMMITTEE TO AMEND SITE DEVELOPMENT PLANS IN WHICH A MINOR INCREASE IS MADE IN THE TOTAL FLOOR AREA OF A NON-RESIDENTIAL BUILDING AND IN TRAFFIC GENERATION ATTRIBUTABLE TO THAT MINOR INCREASE; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is January 27, 1986 at 3:17 P.M.

Signed


Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 86--1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE 72-3, AS AMENDED, SECTION 402.7 (SITE PLAN REVIEW COMMITTEE) TO AUTHORIZE SITE PLAN REVIEW COMMITTEE TO AMEND SITE DEVELOPMENT PLANS IN WHICH A MINOR INCREASE IS MADE IN THE TOTAL FLOOR AREA OF A NON-RESIDENTIAL BUILDING AND IN TRAFFIC GENERATION ATTRIBUTABLE TO THAT MINOR INCREASE; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of Florida Statutes establish the right and power of counties to provide for the health, welfare, and safety of existing and future residents by enacting and enforcing zoning and business regulations; and

WHEREAS, Chapter 163 (Intergovernmental Programs), Part II (Local Government Comprehensive Planning and Land Development Regulation Act) of Florida Statutes provides that counties shall have power and responsibility to plan comprehensively for their future development and growth, including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan, as provided in Section 163.3202(2)(f) of Florida Statutes; and

WHEREAS, recent amendments to Section 402.7 of the Zoning Code eliminated the ability of staff to make any modifications in site development plans which result in increased traffic or an increase in the total floor area of non-commercial buildings, and required that all such changes be returned to the Board of County Commissioners for review and approval; and

WHEREAS, experience has since shown that minor modifications in site development plans which result in minor increases in the

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1 total floor area of non-residential buildings (and in incidental,
2 minor increases in traffic generation) are often necessary in
3 order to accommodate building renovations, unforeseen
4 construction code requirements, minor design improvements, or
5 similar conditions; and

6 WHEREAS, requests for minor changes in the total floor area
7 of non-residential buildings have tended to crowd the zoning
8 petition calendar, leaving less time for the Board of County
9 Commissioners to address more serious zoning matters; and
10

11 WHEREAS, the public interest can be adequately addressed by
12 allowing Site Plan Review Committee to approve minor adjustments
13 in the total floor area of non-residential buildings; and
14

15 WHEREAS, the Board of County Commissioners of Palm Beach
16 County, Florida, sitting as the Local Planning Agency, has
17 determined that these proposed amendments to the Palm Beach
18 County Zoning Code are consistent with the adopted Comprehensive
19 Plan of Palm Beach County, as required by Chapter 163, Section
20 163.3194(2)(a) of Florida Statutes;
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
23 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
24

25 SECTION 1. Palm Beach County Zoning Code (Ordinance 72-
26 3, as amended), Section 402.7 (Site Plan Review Committee),
27 Subsection A (Purpose and Intent), Paragraph 4, is hereby amended
28 to read as follows:
29

30 In particular, it is the intent of the Board of County
31 Commissioners that Site Plan Review Committee shall not
32 certify proposed modifications of site development
33 plans or master land use plans which result in the
34 following changes in intensity of development above
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1 levels approved at a public hearing: (1) modifications
2 which increase residential density; or (2)
3 modifications which significantly increase the total
4 floor area of any non-residential development; or (3)
5 modifications which significantly increase total lot
6 coverage for commercial and industrial development; or
7 (4) modifications which significantly increase traffic
8 generation.

9
10 SECTION 2. Palm Beach County Zoning Code (Ordinance 72-
11 3, as amended), Section 402.7 (Site Plan Review Committee),
12 Subsection E.2.b (Powers and Standards of Review; Supplemental
13 Standards; Modification of Site Development Plans Previously
14 Approved by the Board of County Commissioners), Subparagraphs (2)
15 and (4) is hereby amended to read as follows:

16
17 b. MODIFICATION OF SITE DEVELOPMENT PLANS
18 PREVIOUSLY APPROVED BY THE BOARD OF COUNTY
19 COMMISSIONERS.

20 Site Plan Review Committee shall review each
21 completed application for modification of
22 site development plans previously approved by
23 the Board of County Commissioners, and shall
24 certify the site development plan, provided
25 that the proposed modifications do not result
26 in:

27 *****

28 (2) Except as provided in this Subsection, a
29 traffic impact greater than that
30 generated by the site development plan
31 previously approved by the Board of
32 County Commissioners. Site Plan Review
33 Committee shall approve a site
34 development plan which shows a minor

increase in traffic generation
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exclusively attributable to the increase
in total floor area permitted by
Subsection (4), below. If the specific
land uses intended for the site are not
identified in and controlled by the land
use provisions of this Code, by special
conditions, or other regulations, the
lawful land use generating the greatest
traffic impact shall be presumed in
calculating traffic impact; or

(4) Except as provided in this Subsection,
an increase in the total floor area of a
non-residential building. Site Plan
Review Committee shall approve a
maximum increase of five (5) percent in
the total floor area of a non-
residential building provided that no
increase shall exceed one thousand
(1000) square feet. Site Plan Review
Committee may increase the total floor
area of a residential building up to the
maximum permitted by the Property
Development Regulations for the
applicable zoning district; or

SECTION 3. CAPTIONS.

The captions, section headings, and section designations
used in this Code are intended for convenience of users only and
shall have no effect on the interpretation of the provisions of
this Ordinance.

SECTION 4. REPEAL OF LAWS IN CONFLICT.

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law; words underlined are additions to existing law.

1 All local laws and ordinances applying to Palm Beach County
2 in conflict with any provisions of this ordinance are hereby
3 repealed.

4 SECTION 5. SEVERABILITY.

5 Should any section, paragraph, sentence, clause, or word of
6 this ordinance be held to be unconstitutional, inoperative, or
7 void, such holding shall not affect the validity of the remainder
8 of this ordinance.

9
10 SECTION 6. INCLUSION IN CODE.

11 The provisions of this ordinance shall become and be made a
12 part of the Code of Laws and Ordinances of Palm Beach County,
13 Florida, and the various sections may be retitled, renumbered, or
14 relettered to accomplish this purpose.

15
16 SECTION 8. EFFECTIVE DATE.

17 The provisions of this ordinance shall become effective upon
18 receipt of acknowledgment by the Department of State of the State
19 of Florida.

20
21
22 APPROVED AND ADOPTED by the Board of County Commissioners of
23 Palm Beach County, Florida, on this 14th day of January,
24 1986.

25 PALM BEACH COUNTY, FLORIDA, BY ITS
26 BOARD OF COUNTY COMMISSIONERS:

27
28 By: -----
29

Chairman

30
31
32
33
34 CODING: Words ~~struck through~~ are deletions from existing
law; words underlined are additions to existing law.

Acknowledged by the Department of State of the State of
Florida, on this, the 23rd day of January, 1986.

EFFECTIVE DATE: Acknowledgment received from the Department
of State of the State of Florida, this 27th day of January,
1986 at 3:17 PM., and filed in the Office of the Clerk of the
Board of County Commissioners of Palm Beach County, Florida.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____

County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on January 14, 1986.
DATED at West Palm Beach, FL on 1/30/86
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk